

## **WORKPLAN**

### **I. Project Title and Project Purpose Statement**

#### **Educating Citizens in Appalachian Ohio on the Emergency Planning and Community Right-to-Know Law (EPCRA) in the context of the Shale Gas Boom**

The Ohio Environmental Council (OEC) in collaboration with the Center for Health, Environment and Justice (CHEJ) respectfully requests \$30,000 to plan, coordinate, and execute four Community Right-To-Know Trainings (3 hours each) in Appalachian Ohio. These meetings will serve to educate citizens on their rights to obtain information on chemicals being used on fracking well sites and will build resiliency and capacity in communities which endure a disproportionate amount of impacts from the shale gas boom. Under the auspice of the Clean Water Act section 104(b)(3), these trainings are meant to promote the coordination of research, investigations, and training relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

Ohio has forged ahead with shale gas development despite numerous health, safety, and environmental concerns associated with the unconventional gas extraction technique, and without Ohio rules to oversee the new drilling method.

Ohio has already experienced multiple major incidents involving shale gas production and waste disposal in the past three years. The Youngstown community was hit with the intentional dumping of fracking wastes into their river. Hardrock Excavating LLC dumped approximately 200,000 gallons of fracking waste fluids and drilling mud into a storm drain leading into the Mahoning River from the end of 2012 through 2013. The discharge of this material required a massive cleanup at a cost of more than \$1 million.

More recently, in May and June 2014, there were two major water pollution incidents at shale gas well pads in eastern Ohio, including a well blow out, resulting in an oil spill in Morgan County and a massive well pad fire in Monroe County.

On May 4, a well blow out occurred as a result of “an unexpected pocket of natural gas” during drilling and resulted in 15,372 gallons of oil released into a creek near Beverly, Ohio. The final amount of material collected was 700,266 gallons of mixed fluids (containing oil and chemicals). This creek is a tributary leading into the Mahoning River, and ultimately to the Ohio River. Containment dams had to be constructed and the site remediated. Making matters more difficult, the cleanup efforts were impeded by benzene concentrations released into the air and issues with accessibility to the creek and environment.

The most notable environmental release involved a chemical fire and demonstrated the need for citizens, particularly those citizens living in proximity to fracking wells sites, to know how to get access to information about the chemicals being used in their backyards. A well pad fire in Monroe County began on June 28 as a result of a ruptured hydraulic line spraying flammable liquid on hot equipment. The flames engulfed 20 chemical trucks and triggered 30 or more explosions that rained shrapnel over the site. The fire took nearly a week to extinguish and

resulted in a 5-mile long fish kill, poisoning over 70,000 fish and posing a risk to drinking water supplies. In fact, drinking water utilities did not have a complete list of all of the chemicals until many days later because proprietary chemicals can be held as trade secrets under Ohio law. This massive fire also posed a risk to firefighter safety and forced the evacuation of 25 households.<sup>1</sup> These incidents have exposed significant problems with Ohio's statutory and regulatory framework regarding chemical disclosure and minimum setback distances between well pads, water bodies, and homes, as well as the need for citizens to become better informed and engaged in the public dialogue about policy solutions to solve these problems.

The goals of the Community Right-to-Know trainings are to:

- Help citizens understand their rights under the Emergency Planning and Community-Right-to-Know Act (EPCRA) and how it relates to the Clean Water Act.
- Teach citizens how to obtain environmental information available under EPCRA and how to analyze this information.
- Explain the basics of the Material Data Safety Sheets (MSDS), which are the sheets containing the list of chemicals and their health, fire, and explosion hazards.
- Conduct limited research and evaluation of the communities' top environmental problems.
- Empower citizens to understand regulatory law and procedures.
- Assist citizens in identifying and setting up a meeting with their local emergency planning commission leaders.

Only after concerned citizens receive the knowledge and training they need, can they participate more fully and effectively in environmental decision making that affects their health and well-being and feel empowered to make a difference in their community. Communities where we plan to conduct the Community Right-to-Know trainings include the Ohio Appalachian counties of Athens (Athens/ 45701), Carroll (Carrollton/44615), and Belmont/Monroe (Hannibal/ 43931), and Mahoning (Youngstown/44501) Counties.

## II. Environmental and/or Public Health Information about the Affected Community

This project seeks to address the disproportionate environmental and public health effects that deep shale gas development will bring to Appalachia, Ohio. As of December 2014, there have been 1,779 deep shale gas wells permitted for exploration and/or production in Ohio.<sup>2</sup> The Ohio Department of Natural Resources (ODNR) projects it will permit well over 2,000 shale gas wells in Ohio by the end of 2015.<sup>3</sup> Out of those 1,779 wells, the majority are located within what is considered the Appalachian region of Ohio. While the Governor of New York has just announced a ban on fracking, Ohio has forged ahead despite numerous health and safety concerns associated with the unconventional gas extraction technique.

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<sup>1</sup> US EPA Pollution Report. May 4-6, 2014. <http://www.theoec.org/sites/default/files/Eisenbarth%20well%20pad%20fire.pdf>

<sup>2</sup> Ohio DNR. <http://www.ohiodnr.com/oil/shale/tabid/23174/Default.aspx>

<sup>3</sup> Ohio DNR. <http://www.ohiodnr.com/oil/shale/tabid/23174/Default.aspx>

## Appalachian Counties in Ohio



Appalachia Ohio encompasses 32 counties in the Southwest, Southeast, and Northeast part of the state and is home to 18 percent of the state's population.<sup>4</sup> In 2009, Appalachian Ohio had a poverty rate of 16%, compared to 13.6% statewide and 13.5% nationwide.<sup>5</sup> The Appalachian region of the United States also experiences considerable excesses in mortality from major causes of death and illness when compared to the rest of the nation.<sup>6</sup>

Further this region has a legacy of resource extraction, which has impoverished local communities and left them with many environmental and public health burdens. Many of the chemicals and heavy metals in fracking waste fluids—hydrochloric acid, mercury and lead, and formaldehyde to name a few—are highly toxic and have serious short and long term health effects on humans. Formaldehyde specifically is used for embalming and is a known cancer causing agent for humans. In many states, including Ohio, waste fluids may be stored temporarily in open pits with no barriers around them.

According to the US EPA's own incident report at the chemical fire in Hannibal, Ohio, over 300,000 gallons of water used in firefighting efforts mixed with several thousand gallons of

<sup>4</sup> Foundation for Appalachian Ohio

<sup>5</sup> Appalachian Regional Commission

<sup>6</sup> Halverson et al. 2004. *An Analysis of Disparities in Health Status and Access to Medical Care in the Appalachian Region*.

chemicals, including trade secret protected chemicals and entered an unnamed tributary of Opossum Creek and then into the Ohio River. Aside from causing a 5-mile fish kill in the stream, citizens' drinking water was also put into jeopardy given that a drinking water intake was less than two miles downstream from the well site.

The affected communities will benefit from the results of this project because they will learn how to uncover the potential risks and threats from chemicals on well sites and other industrial sites in their neighborhoods.

The results from these efforts will be:

- Citizens educated on how to reduce their exposure to risks and hazards from chemicals
- Citizens have an increased knowledge of chemicals present in their community
- Citizens increased awareness of local emergency planning committees and emergency management directors
- Citizens will have an increased ability to reach out to these emergency planners in the event of an emergency and in general, to gain access to information

### III. Organization's Historical Connection to Affected Community

To foster the watershed restoration and protection occurring throughout Appalachian Ohio, the OEC worked with partners to establish the Southeast Ohio Watershed (SEOW) Council in 2003. The SEOW Council serves as a mechanism for communication, mentoring, knowledge-sharing, and organizational capacity building for watershed groups spread across 22 counties that share a similar cultural legacy and common environmental issues. The OEC committed to providing staff time for SEOW Council facilitation, training, and direct assistance for issues impacting their local watersheds for the past 11 years, providing the SEOW Council with continuous updates on rules and laws, such as those mentioned above, that may impact local watersheds, empowering them with information to submit comments to agencies and to educate their lawmakers.

In 2008-2009, CHEJ was also the lead organization in holding citizen meetings around the state in order to develop an environmental justice bill in the State of Ohio. While the bill did not pass the legislature, it brought together environmental justice communities around Ohio that had never worked together before. More recently, in 2014, CHEJ Ohio Organizer Teresa Mills has identified community leaders in the four counties we have identified for Community Right-to-Know Trainings. The identification of these community leaders will give the OEC and CHEJ a head start in marketing our trainings to approximately 20 civically engaged and capable citizens in each of the targeted counties.

The OEC also implemented a US EPA EJ small grant in 2012-2013 which focused on educating citizens on fracking as it relates to water quality. The project included two educational forums on basic environmental risks associated with fracking and two town hall meetings in which local officials responded to questions about local preparedness for fracking development. Additionally, as a culminating project, the OEC authored a Shale Gas Citizen Resource Guide for citizens of Eastern Ohio.

#### IV. Project Description

##### **i) Concise description of the activities of the project**

The OEC in collaboration with CHEJ will plan, coordinate and execute four Community Right-To-Know Trainings in Appalachian Ohio. The Community Right-to-Know trainings will take place in Mahoning (Youngstown/44509), Athens (Athens/45701), Carroll (Carrollton/44615), and Belmont/Monroe (Hannibal/43931) Counties. The trainings will take place during the fall of 2015. The trainings will target community members who are leaders within the community and who will have a great capacity to share the knowledge gained with other citizens in their local community.

Therefore, attendees will walk away knowing how to:

- Write a letter under the Ohio Open Records Law;
- File reviews and records requests to state agencies;
- Access the chemical makeup of fracking fluids being used in their backyards;
- Improve their ability to reduce their exposure to chemicals which will enter the air and may enter the soil and water at neighboring fracking well sites or other industrial sites;
- Read the chemical identification placards to identify chemicals and to understand the fire diamonds used in the 2012 Emergency Response Guidebook; and
- Contact their local emergency planning commission and local emergency management directors.

##### **Training timeline:**

**10am-10:30** – Registration, welcome, introductions

**10:30am-12:30-am** – Overview of EPCRA (history of passage of EPRCA, what EPRCA requirements include, role of citizens/community, importance of emergency planning and training, community's access to information about chemicals, role and responsibility of State Emergency Response Commission (SERC), role and responsibilities of LEPCs, reporting requirements for industry, list of extremely hazardous substances, writing a letter under Ohio Open Records law)

**12:30-1pm-** Working lunch/ learn & practice the fire diamond & chemical identification placards

**1pm-1:30pm-** Evaluation, wrap up, networking

The intended results from these efforts include: 1. Citizens will be educated on how to reduce their exposure to risks and hazards from chemicals 2. Citizens will have an increased knowledge of chemicals present in their community 3. Citizens will have increased awareness of local emergency planning committees and emergency management directors and finally, 4. Citizens

will have an increased ability to reach out to these emergency planners in the event of an emergency and in general, to gain access to information.

<b>Overall Project Timeline</b>		
<b>Activities</b>	<b>Responsible party</b>	<b>Timeframe</b>
Planning for trainings <ul style="list-style-type: none"> <li>• Hire student intern (OEC leads)</li> <li>• Research and write curriculum (CHEJ leads)</li> <li>• Write invite, distribute invitations to identified community leaders in four counties identified (OEC with support from CHEJ)</li> <li>• Manage OEC intern in planning logistics for the trainings (OEC leads)</li> </ul>	OEC,CHEJ	June, July & August 2015
Execute Training 1,2,3,4	OEC,CHEJ	September, October & November 2015
Debrief Trainings 1,2,3,4	OEC,CHEJ	December 2015
Process evaluations	OEC,CHEJ	December 2015
Grant reporting	OEC	January & February 2016

**Local environmental and public health results the project seeks to achieve:**

*Increased knowledge and awareness of emergency planners*

**Result 1:** Participants will have increased knowledge of the Emergency Planning and Community Right to Know (EPRCA) law, and the federal and state chemical reporting requirements.

**Result2:** Participants will have increased knowledge of the role of the State Emergency Response Commission (SERC), local emergency planning committees and emergency management directors. They will also have increased awareness of the individuals who make up these bodies.

**Result 3:** Participants will be equipped with the resources and trainings that they need to reach out to emergency planners in the event of an emergency and to gain access to chemical information they have a right to view.

*Reduced exposure to risks and harms associated with fracking:*

**Result 4:** Citizens have increased tools to identify the presence of hazardous chemicals present in their community.

**Result 5:** Given the increased knowledge and awareness received from the training, participants will actively plan steps to take to reduce their exposure to chemical releases from fracking and other industrial operations in their communities.

**How these results will be achieved:**

- All results will be achieved through the Community Right-to-Know trainings.

**How the project is related to the environmental statutes:**

This project relates to the Clean Water Act, Section 104 (b) (3) as it includes extensive *training* on chemical reporting and how citizens can identify and report chemicals which may pose a threat to surface water. More specifically, the Community Right-to-Know trainings will include a session on understanding chemical identification placards. This will put local community leaders in a position to serve as on-the-ground watchdogs in the community, protecting public health and water supplies for their local community.

**ii.) Concise description of how the organization and its partner will work together****The role of your partner in addressing the local environmental/public health issue:**

The OEC will partner with the Center for Health, Environment and Justice to provide EPCRA trainings. The primary role of CHEJ will be to research and develop the curriculum for the Emergency Planning, Community Right to Know (EPCRA) community trainings. In addition, the CHEJ toxicologist will review the curriculum and training materials for scientific accuracy. CHEJ will also assist in recruiting community members for each of the four trainings. Finally, CHEJ be responsible for attending and co-leading each of the four trainings alongside the OEC, and will assist with debriefing and evaluating the trainings after they are completed.

**The nature of the organization and what resources they bring to the partnership:**

Center for Health, Environment & Justice (CHEJ) mentors a movement, empowering people to build healthy communities, and preventing harm to human health caused by exposure to environmental threats.

Through training, coalition-building and one-on-one technical and organizing assistance, CHEJ works to level the playing field so that people can have a say in the environmental decisions that affect their health and well-being. By organizing one school, one neighborhood, one community at a time, CHEJ is making the world cleaner and healthier for all of us.

CHEJ has been involved with EPCRA from its inception in 1986. CHEJ field staff in Ohio have used the EPCRA laws for many years and recently filed a complaint with the US EPA regarding Ohio being in violation of EPCRA law.

CHEJ was also the lead organization in holding citizen meetings around the state in order to develop an environmental justice bill in the State of Ohio. While the bill did not pass the legislature, it brought together environmental justice communities around Ohio that had never worked together before.

**How the partner has a vested interest in the project:**

CHEJ has a vested interest in working with the OEC because we will achieve organizational efficiencies and have a greater overall impact on communities by putting our resources together to meet our similar education and outreach efforts.

**How the applicant plans to maintain and sustain the partnership:**

The OEC and CHEJ work collaboratively together on an Ohio Right-to-Know (RTK) coalition which is working to strengthen chemical disclosure laws in Ohio. This coalition includes nurses, scientists, firefighters and other public interest organizations. The Ohio RTK coalition aims to educate the public and build community leaders on the need for strong chemical disclosure for the fracking industry in Ohio. The OEC and CHEJ will continue working to lead this coalition beyond and outside the scope of this grant.

**V. Organizational Capacity and Programmatic Capability**

The OEC uses Quickbooks software to track our accounting information. The organization's financial statements are audited each year by an independent CPA firm. The OEC has put into place a time keeping system, which allows us to track staff hours spent on specific projects.

The OEC has successfully managed a number of federal grants in the past through setting goals and objectives; creating action items and timelines for accomplishing them; and tracking staff time spent on grant activities. The OEC plans to effectively manage and successfully complete the proposed project by following the goals and objectives that accompany our timeline.

The OEC has been the recipient of a USEPA Great Lakes National Program Office (GLNPO) grants for two projects entitled, "Coordinated Implementation Strategy – Lake Erie LaMP" (2011-2013) and "Lake Erie Lakewide Management Plan (LaMP): Public Form" (2006-2009). The program officers were Laura Evans and Dan O'Riordan, respectively. We currently are a recipient of a Great Lakes Restoration Initiative grant through USEPA GLNPO titled "Leveraging and Targeting Forum Assets to Reach Restoration Goals". Our current grant officer is Bart Moser. Similarly, OEC was awarded a USEPA Midwest Clean Diesel Initiative Grant for our "Municipal and Airport Authority Diesel Clean Up Collaborative" project from January 2009 to December 2010.

The OEC has also been the recipient of a past US EPA EJ Small grant for a project entitled "Understanding Deep Shale Gas Drilling and Water Quality Concerns in Appalachian Ohio" for the 2012-2013 grant cycle. This project entailed planning, coordinating and delivering two fracking 101 community trainings and two citizen town hall meetings in Athens and Cambridge, Ohio. The official program officer for the grant was Rita Garner. We also worked closely with Tonesia Rouse on the grant reporting and enhanced grant deliverables. Given our efficient delivery of the primary grant deliverables, the OEC provided a supplemental grant deliverable for the US EPA EJ small grant, which was a Shale Gas Citizen Guide for Eastern Ohio Residents. The guide has been widely distributed at meetings and to citizens in Eastern Ohio, and also through the Ohio Library system.

The OEC progress reports have been completed in accordance with grant requirements, and the OEC is in good standing with expenditures and financial requirements.



## VI. Qualifications of the Project Manager

The project manager is defined, for the purposes of this section, as the Ohio Environmental Council (OEC). The OEC has a solid history of holding fracking-related and water-related trainings. The OEC staff facilitates the Lake Erie Lakewide Management Plan Public Forum, in which we are working with groups to reduce nutrient pollution in their local communities through education of watershed stewards and citizens, who then educate decision makers.

A partnership between OEC and the community groups in Southeast Ohio has led to these groups having an equally influential voice on state legislation. The OEC and SEOW Council successfully educated lawmakers on the need for more efficient use of Abandoned Mine Land funding; restructuring of Ohio's out of date coal reclamation bonding law, and a 'Good Samaritan' provision that allows for local groups to clean up polluted streams.

The OEC staff provides regular Fracking presentations to community and professional organizations, such as the League of Women Voters, Columbus Metropolitan Club, and Columbus Bar Association. Over the past three years, the OEC staff has held nearly 60 public forums and community talks to educate more than 3,200 citizens on the topic of fracking.

Each of the above mentioned efforts to educate and mobilize southeastern Ohio and Appalachian Ohio citizens were performed by lead OEC staff: Melanie Houston (Director of Water Policy & Environmental Health), Jack Shaner (Deputy Director), Kristy Meyer (Managing Director of Agricultural, Health & Clean Water Programs), and Nathan Johnson (Staff Attorney).

## VII. Past performance on Reporting Environmental Outputs and Outcomes

The Ohio Environmental Council has undertaken a number of cooperative agreements relevant to the work we propose in this application. Samples include:

Project: "Coordinated Implementation Strategy – Lake Erie LaMP"  
Funder: USEPA – Great Lakes National Program Office  
Grant Period: 10/01/2011 – 09/30/2013  
Grant Amount: \$242,837  
Grant Number: GL-00E00821-0  
Contact: Laura Evans

Project: "Fracturing Responsibility and Awareness to Chemical Act Training 101"  
Funder: USEPA – Land & Chemicals Division  
Grant Period: 09/01/2012 – 08/31/2013  
Grant Award: \$50,000  
Grant Number: 00E01950  
Contact: Rita Garner

Project: "Facilitation of Lake Erie Forum Activities to Promote Restoration Goals (LaMP): Public Form"  
Funder: USEPA - Great Lakes National Program Office  
Grant Period: 03/01/2014-02/29/2016  
Grant Amount: \$100,000  
Grant Number: GL-00E01300-0  
Contact: Bart Mosier

Project: "Comprehensive Analysis of Completed Ohio CIG Projects"  
Funder: U.S. Department of Agriculture, Natural Resources Conservation Service  
Grant Period: 09/20/12-9/20/2015  
Grant Award: \$75,000  
Grant Number: 69-5E34-12-075  
Contact: John Armentano

Project: “Hazardous Material Worker Health  
and Safety Training”

Funder: National Institute of Environmental  
Health Sciences (NIEHS)

Grant Period: 08/01/2014-07/31/2015

Grant Award: \$38,140.00

Grant Number: 5U45ES006184-23

Contact: Carol Rice

The OEC has achieved numerous successes through the agreements listed above. In each case, we have made, or are making, progress on stated objectives and have reported on our outcomes through interim and final reports. The OEC also documents our successes by reporting how many people attend our meetings, how much media attention we earn, and how many comments have been submitted on rules. Through the administration of these grants and procurement of continuation funding from multiple funders, we have demonstrated our capacity to manage multiple funding sources successfully.

#### VIII. Quality Assurance Project Plan Information

The OEC believes that our project will not involve the use or collection of new data directly.